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360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

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## MEMO

To: City Council, City Manager  
From: Jolene E. Nelson, City Clerk  
Date: January 15, 2010  
Subject: Written Plan for April 6<sup>th</sup>, 2010 Mail Ballot Election

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### **Recommendation**

Attached for your review is the written plan for the April election. This is being presented as information only. No action is needed.

### **Background**

The written plan utilizes a template prepared by the Secretary of State and follows the State statutes and the Secretary of State's rules for conducting a mail ballot election. One of the dates required on the plan's timetable is the date the plan was given to the governing body. Therefore, I like to place it on the Agenda, even though it doesn't require approval, so that I have a record in the minutes of when the plan was given to Council.

The Mail Ballot Statute requires the plan to be in the Secretary of State's hands 55 days before the election (February 10<sup>th</sup>). The SOS has 15 days to approve.

### **Cost**

There is no cost to the City.

### **Action to be Taken**

The written plan will be submitted by the Delta County Clerk and Recorder's office by the deadline.

### **Suggested Motion**

A motion is not necessary.

**MAIL BALLOT PLAN**  
**COLORADO SECRETARY OF STATE**  
**1700 BROADWAY, SUITE 270**  
**DENVER, COLORADO 80290**  
**PHONE: 303-894-2200**  
**FAX: 303-869-4861**

**INTRODUCTION**

Pursuant to section 1-7.5-105 (1) of the Colorado Revised Statutes and the Colorado Secretary of State's Election Rule 12.3.2, the designated election official responsible for conducting a mail ballot election must submit a written mail ballot plan to the Secretary of State.

This mail ballot plan must be submitted at least sixty-five (65) days prior to a regular special district election and no later than fifty-five (55) days prior to any other election. Additionally, a special district may request a seven (7) day filing extension if the mail ballot plan is for a regular special district election that may be cancelled. Please see Election Rule 12.3.5 for more information.

The following standard fillable form is designed to aid you in your completion and submission of the required mail ballot plan. This form may be completed online and then saved to your computer. Once you have saved the form to your computer, you will be able to submit the entire plan to the Secretary of State's office via email, regular mail, or fax. Please refer to the instruction section below for more complete guidance.

*NOTE: Pursuant to section 1-7.5-104, C.R.S., a mail ballot election cannot be held for elections or recall elections that involve partisan candidates or elections held in conjunction with, or on the same day as, a congressional vacancy election. A separate plan template will be available for any primary election conducted as mail ballot in accordance with House Bill 09-1015.*

**INSTRUCTIONS**

(Please read this section COMPLETELY. Failure to do so may result in undue delay in the approval of your plan.)

Spaces and check boxes are provided below for each required aspect of the mail ballot plan. Please fill out the form in its entirety, making sure to check all boxes where applicable. Additional pages may be attached to the end of the mail ballot plan if necessary.

Election Rules 12.3.2 and 12.3.4 require the submission of a sample secrecy sleeve or envelope and a written timetable, respectively. A copy of the Secretary of State approved secrecy sleeve is included at the end of this form. Please review the secrecy sleeve and indicate your usage of the approved sleeve by checking the box associated with the secrecy sleeve (Item "u." of the mail ballot plan). Additionally, a written timetable is provided at the end of this fillable form. Please fill in the date column of the timetable to indicate the date or range of dates for each required occurrence.

When you have checked each applicable box and supplied all required information, please save the form to your computer. Once the form is saved, you may choose your method of submittal (email, regular mail, or fax). The Secretary of State's office recommends that you email your plan as an attachment to [rose.sanchez@sos.state.co.us](mailto:rose.sanchez@sos.state.co.us); doing so will ensure a more prompt response. However, if you prefer regular mail or fax, please be aware that these methods are also acceptable. Please send any mailed or faxed plans ATTN: Rose Sanchez.

**ATTENTION HOME RULE MUNICIPALITIES**

The Secretary of State will not review the mail ballot plan of any home rule municipality that fails to read and affirm the following declaration. Please indicate your affirmation by checking the box.



Although I am submitting this plan on behalf of a home rule municipality, this mail ballot election will be conducted in accordance with state law. As such, this plan does not contain any locally-adopted election procedures that differ from the state procedures set forth in the Colorado Mail Ballot Election Act (§§ 1-7.5-101 through 1-7.5-111, C.R.S.) or in Election Rule 12.

**Name of person submitting plan:** Rene Loy, Delta County Election Supervisor.

**Address:** 501 Palmer St. Ste. 211 Delta Co 81416

**Email:** rloy@deltacounty.com

- a. **Date of the election:** April 6, 2010
- b. **Type and name of the jurisdiction(s) involved in the election** (Example: county, municipality, special district, school district, etc.): Municipality
- c. **Description of the type of election to be conducted** (Example: coordinated election, recall election, special election, etc.): Municipal Election
- d. **Citation of the statute authorizing the election:** Title 31, Article 10 of the Colorado Revised Statutes) except as otherwise required by the Mail Ballot Act, 1-7.5-101, *et. seq.*, C.R.S., or the rules promulgated by the Secretary of State.
- e. **Estimated number of eligible electors:** 3521 Active Voters

- ☒ Between twenty-two (22) and eighteen (18) days before the election, the designated election official will mail to each active registered elector a mail ballot packet.

f. **Name of the designated election official who will be responsible for all aspects of the election:**  
Jolene Nelson, City Clerk

- g. **If the election is NOT being conducted by the County Clerk & Recorder, an indication of whether the County Clerk and Recorder will assist in the election for the entity other than by providing a list of registered electors and other information required by statute** (Please check the appropriate box):

- ☒ Yes, the County Clerk and Recorder will assist in the election for the entity other than by providing a list of registered electors and other information required by statute. (If yes, please read the following statement regarding use of county voting systems, check the corresponding box if applicable, and provide the requested information.)

- ☐ The County Clerk and Recorder will assist in the election for the entity by providing voting systems to be used by the entity during the election. The make and model number of the voting systems to be used is as follows:

Make(s):

Model Number(s):

- ☐ No, the County Clerk and Recorder will not assist in the Election for the entity other than by providing a list of registered electors and other information required by statute.

- h. **Total number of "Places of deposit."** **Note:** For security reasons, unmonitored freestanding places of deposit located out-of-doors are not allowed (In addition to indicating the number of "places of deposit," please read the statements below, check the appropriate box, and provide additional information if applicable): **1, Place of deposit will only be at the Delta County Clerk and Recorder Office, 501 Palmer St. Ste 211, Delta Co.**

- ☐ All "places of deposit" and any walk-in voting locations will be located within the political subdivision.
- ☐ At least one or all "places of deposit" will be located outside of the county, municipality, or special district. Such "places of deposit" are within reasonable proximity to the political subdivision or the majority of electors. The reasons for requesting permission from the Secretary of State for such "places of deposit" are as follows:

- i. **For elections coordinated by the County Clerk and Recorder, the total number of walk-in voting locations: 1, Delta County Clerk and Recorders Office 501 Palmer St. Ste 211 Delta Co 81416**

- j. **Number of accessible voting machines anticipated being used for walk-in voting locations in elections coordinated by the County Clerk and Recorder: N/A**

- k. **Length of time accessible voting machines will be available for walk-in voting in elections coordinated by the County Clerk and Recorder:** (Please include the dates and hours of operation.)

Example: October 13, 2009 through November 2, 2009; 8:00 a.m. to 5:00 p.m., Monday through Friday and 7:00 am to 7:00 pm. on November 3rd  
N/A

- l. **Please complete the written timetable near the end of this form. You must provide a date or a range of dates for each occurrence listed in the left-hand column of the timetable.**

- m. **Indication of how postage will be handled for ballot packets returned as undeliverable** (Please read and indicate your compliance by checking the box):

- ☒ As the designated election official, I hereby affirm that ballot packets will be marked "**DO NOT FORWARD. ADDRESS CORRECTION REQUESTED,**" "**RETURN POSTAGE GUARANTEED,**" or any other similar language that is in accordance with United States Postal Service regulations.

- n. **Indication of procedures to be followed to ensure compliance with statutes and rules, including persons responsible for each stage** (Please read and indicate your compliance by checking each box):

- ☒ As the designated election official, I hereby affirm that I have read and understand Article 7.5 of Title 1, C.R.S. and Secretary of State Election Rule 12 and that appropriate measures and procedures will be undertaken to ensure compliance with these statutes and rules. If the designated election official is not the person responsible for such compliance, please indicate the person responsible: **AN Intergovernmental Agreement has been reached between Delta County and the City of Delta. Ann B. Eddins is the Election Official for Delta County.**

- ☒ The designated election official will supervise the distributing, handling, counting of ballots and the survey of returns in accordance with rules promulgated by the Secretary of State and will take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election.
- ☒ The Postmaster or local postal representative has been notified of the election and provided with the design of the ballot packet to ensure that postal standards are met.
- ☒ For elections where multiple ballots will be included in the same packet or will be sent in separate packets, the ballots and return envelopes shall include distinctive markings or colors to identify political subdivisions when the colors or distinctive markings will aid in the distribution and tabulation of the ballots.

Not applicable for the following reason(s) (Please check all that apply):

- ☐ This election is being conducted as an independent mail ballot election that is not coordinated with the County Clerk and Recorder.
- ☐ This election will be conducted with the use of one ballot containing all candidates and ballot issues for the coordinating jurisdictions.
- ☒ For all coordinated elections where more than one mail ballot is being mailed or polling place elections are being held as well as the mail ballot election, the outgoing envelope as well as the instructions or other notice shall have the following notice: "This may not be your only ballot. Other elections may be held by other political subdivisions by mail or by polling place."
- ☒ All deposited ballots will be counted as provided in Article 7.5 of Title 1, C.R.S. and by rules promulgated by the Secretary of State. A mail ballot will be valid and counted only if it is returned in the return envelope, the self-affirmation on the return envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the return envelope is verified.
- ☒ If the election official determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the first ballot returned by the elector will be considered the elector's official ballot.

**o. Description of procedures to be used to ensure ballot security at all stages of the process (Please read and indicate your compliance by checking each box):**

- ☒ The ballot or ballot label will contain the following warning:

"WARNING:

Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both."

- ☒ The return envelope will have printed on it a self-affirmation substantially in the following form:

"I state under penalty of perjury that I am an eligible elector; that my signature and name are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992."

Date: \_\_\_\_\_ Signature of Voter: \_\_\_\_\_."

- ☒ When not being processed, ballot packets will be placed in a safe, secure area under the supervision of the designated election official, election judge, or person designated by the designated election official.
- ☒ A replacement ballot may be requested if the ballot was destroyed, spoiled, lost, or not received by the elector. The elector requesting the replacement ballot must complete a sworn statement in compliance with section 1-7.5-107(3)(d)(I), C.R.S. The form may be mailed to an elector along with their mail ballot packet, however, it must be returned to the election official on or before election day.
- ☒ Ballots will not be left unattended while being processed. After processing is complete, ballots will be placed in a safe and secure area. Access to the secure area shall be determined by the County Clerk and Recorder or designated election official.

**p. Description of procedures for maintaining privacy and security of accessible voting machines to be used in an election coordinated by the County Clerk and Recorder** (If this section does not apply to you, please check the box marked "Not applicable and then indicate the reason(s) why this section does not apply to you):

N/A

- ☐ At the voter's request, the election judge will instruct the voter on the use of the accessible machine.
- ☐ Each accessible voting device will be positioned as to protect each voter's privacy while voting.
- ☐ For elections coordinated by the County Clerk and Recorder, a security plan will be submitted in accordance with Rule 43 in addition to the mail ballot plan, if such security plan has not already been received by the Secretary of State.
- ☐ In an election coordinated by the County Clerk and Recorder, if a voter surrenders a mail ballot to the designated election official and votes in-person on an accessible device provided for the election, the accessible device will be subject to the privacy, security and accuracy standards set forth in the Election Rules and Title 1, C.R.S.
- ☐ Not applicable for the following reason(s) (Please check all that apply):
  - ☐ This election is being conducted as an independent mail ballot election that is not coordinated with the County Clerk and Recorder.
  - ☐ This election will be conducted with the use of paper ballots; no voting machines will be involved in this election.

**q. For November elections coordinated by the County Clerk and Recorder only, description of procedures to be used for signature verification** (Please read and indicate your compliance by checking each box. If this section does not apply to you, please check the box marked "Not applicable" and supply the requested information.): N/A

- ☐ An election judge will compare the signature on the self-affirmation on each return envelope with the signature of the eligible elector on file in the office of the County Clerk and Recorder.
- ☐ If, upon comparing the signature on the self-affirmation on the return envelope with the signature of the eligible elector on file with the County Clerk and Recorder, the election judge determines that the signatures do not match, two other election judges of different political party affiliations will simultaneously compare the signatures.
- ☐ If both other election judges agree that the signatures do not match, the County Clerk and Recorder will, within three (3) days after the signature deficiency has been confirmed, but in no event later than two (2) days after the election day, send a letter to the eligible elector explaining the discrepancy in signatures and a form for the eligible elector to confirm that the elector returned a ballot to the County Clerk and Recorder.
- ☐ If the County Clerk and Recorder receives the form within eight (8) days after the election confirming that the elector returned a ballot to the County Clerk and Recorder and enclosing a copy of the elector's identification, and if the ballot is otherwise valid, the ballot will be counted.
- ☐ If the eligible elector returns the form indicating that the elector did not return a ballot to the County Clerk and Recorder, or if the eligible elector does not return the form within eight (8) days after election day, the self-affirmation on the return envelope will be categorized as incorrect, the ballot will not be counted, and the County Clerk and Recorder will send copies of the eligible elector's signature on the return envelope and the signature on file with the County Clerk and Recorder to the District Attorney for investigation.
- ☐ An original return envelope with an enclosed secrecy envelope containing a voted ballot that is not counted due to a discrepancy in signatures in accordance with the above procedures will be stored under seal in the office of the County Clerk and Recorder in a secure location separate from valid return envelopes and may be removed only under the authority of the District Attorney or by order of a court having jurisdiction.
- ☐ In the case of a disagreement among the election judges as to whether the signature of an eligible elector on the self-affirmation on the return envelope matches the signature of the eligible elector on file with the County Clerk and Recorder, the mail ballot will be counted in the same manner as ballots received in valid, verified return envelopes.
- ☐ An election judge will not determine that the signature of an eligible elector on the self-affirmation does not match the signature of that eligible elector on file with the County Clerk and Recorder solely on the basis of substitution of initials or use of a common nickname.
- ☐ Not applicable as this election is being conducted as an independent mail ballot election that is not coordinated with the County Clerk and Recorder.

**r. Description of Procedures to be used for ballots returned by electors who have not previously voted in Colorado and have failed to include proper proof of identification (section 1-7.5-107(3.5)(d), C.R.S.):**

- ☒ Upon receipt of a mail ballot, from an elector who has not previously voted in Colorado, which does not contain a proper form of identification as required under section 1-7.5-107(3.5)(b), C.R.S., the designated election official will, within three (3) days after receipt of the mail ballot, but in no event later than two

(2) days after election day, send to the eligible elector a letter explaining the lack of compliance with section 1-7.5-107(3.5)(b), C.R.S..

- ☒ If the designated election official receives a copy of identification in compliance with section 1-7.5-107(3.5)(b), C.R.S. within eight (8) days after election day, and if the mail ballot is otherwise valid, the mail ballot will be counted.

**s. Description of procedures to ensure privacy by use of a secrecy sleeve or secrecy envelope so receiving judges cannot tell how the elector voted (Please read and indicate your compliance by checking the box):**

- ☒ To protect the voter's privacy, a secrecy sleeve or envelope will be included in the mail ballot package.

**t. Description of procedures to be used to reconcile ballots issued, ballots received, defective ballots and substitute ballots (Please read and indicate your compliance by checking each box):**

- ☒ Ballots will be date stamped upon receipt. Each day when ballots come in, a judge will count the ballots, batch them, and record the number of ballots received including those that were returned as undeliverable.

- ☒ The designated election official or the County Clerk and Recorder will maintain a daily reconciliation log containing the number of ballots issued, returned, and outstanding.

**u. Please review the Secretary of State approved Secrecy Sleeve with Voter Instructions at the bottom of this fillable form. (Please read the following statement and indicate your compliance by checking the box):**

- ☒ As the designated election official, I hereby affirm that the Secretary of State approved secrecy sleeve with voter instructions or voter instructions page as included at the end of this form will be used in the mail ballot election.



**WRITTEN TIMETABLE**  
**COLORADO SECRETARY OF STATE**  
**1700 BROADWAY, SUITE 270**  
**DENVER, COLORADO 80290**  
**PHONE: 303-894-2200**  
**FAX: 303-869-4861**

Pursuant to Election Rule 12.3.4, the designated election official must prepare a written timetable for conducting the mail ballot election with specific dates or range of dates when each activity is to be completed.

Please complete the following timetable by supplying the following dates or range of dates on the right:

	<b>Date:</b>
Date copy of written plan was submitted to the governing body	01/19/2010
Date of approval of election by governing body	01/05/2010
Date of submission of written plan to Secretary of State's office (no later than 55 days before the election)	01/22/2010
Anticipated date of approval by Secretary of State (within 15 days of receipt)	02/08/2010
Date of publication of notice of election (no later than 20 days before the election)	03/17/2010
Date by which local jurisdictions must submit notice of election to the County Clerk and Recorder if the County Clerk will assist with the election	12/28/2009
Date by which local jurisdictions must submit notice of election to the county assessor, if property owners are eligible to vote in the election (no later than 40 days before the election)	N/A
Date of close of registration (29 days before the election)	03/08/2010
Date by which the County Clerk and Recorder must submit the list of eligible electors to the local jurisdiction conducting the mail ballot election. Also, for special district elections, the date by which the county assessor must submit the list of property owners who are eligible to vote in the election to the jurisdiction. (No later than 30 days before the election)	N/A
Date by which the County Clerk and Recorder must submit a supplemental list of eligible electors to the local jurisdiction conducting the mail ballot election. Also, for special district elections, the date by which the county assessor must submit a supplemental list of property owners who are eligible to vote in the election to the jurisdiction. (No later than 20 days before the election)	N/A
For elections coordinated by the County Clerk and Recorder, date notice will be given to voters of walk-in voting and accessible voting options	03/17/2010

Date ballots will be mailed (no sooner than 22 days before the election and no later than 18 days before the election)	03/15/2010- 03/19/2010
Date verification and counting of ballots will begin (counting may begin 15 days before the election)	03/22/2010
Date of election	04/06/2010

**AM I REQUIRED TO PROVIDE ID?**  
ANY VOTER WHO'S MAILING LABEL HAS A YELLOW "ID REQUIRED" LABEL  
MUST SUBMIT IDENTIFICATION FOR HIS OR HER VOTE TO COUNT.  
YOU DO NOT HAVE TO SUBMIT ID IF YOUR ENVELOPE DOESN'T HAVE AN  
YELLOW "ID REQUIRED" LABEL

If you are required to provide ID as indicated above, place a photocopy of one of the following **ACCEPTABLE FORMS OF IDENTIFICATION** into the Official Return Envelope. (Do not place the photocopied identification in the Secrecy Sleeve with your voted ballot.)

- A valid Colorado driver's license
- A valid identification card issued by the department of revenue
- A valid United States passport
- A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state
- A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States
- A valid United States military identification card with a photograph of the eligible elector
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector
- A valid Medicare or Medicaid card issued by the United States health care financing administration
- A certified copy of a birth certificate for the elector issued in the United States
- Certified documentation of naturalization
- A valid student identification card with a photograph issued by an institution of higher education in Colorado

Any form of identification that shows the address of the eligible elector shall be considered identification only if the address is in the State of Colorado. Please see SOS Rule 30.1.6 for additional information regarding acceptable forms of identification.

**REPLACEMENT BALLOT INFORMATION**

If you spoil, deface or lose your ballot, you may obtain a replacement ballot, one at a time, not to exceed three ballots in all. If you spoil or deface your ballot, you may contact the Elections Office to obtain instructions for requesting a replacement ballot by calling 970-874-2153 OR 970-874-5903.  
Replacement Ballots may be requested from the Elections Office during regular business hours, 8:30 a.m. – 4:30 p.m. or on Election Day from 7:00 a.m. to 7:00 p.m.

**DESIGNATED DROP OFF SITE INFORMATION**

DELTA COUNTY COURTHOUSE  
501 PALMER ST. STE 211  
DELTA CO 81416

**Secrecy Sleeve with Voter Instructions**  
CITY OF DELTA MUNICIPAL ELECTION  
APRIL 6, 2010

**RETURN POSTAGE REQUIRED**

You may return your voted ballot by mail or you may hand deliver your ballot to a Designated Drop Off Site (see opposite side for Designated Drop Off Site locations and schedules). If you choose to return your voted ballot by mail, you must affix adequate postage of .44¢.

**BALLOT PACKET CONTENTS**

This is your Official Mail-In Ballot Packet for the Municipal Election. This packet contains the following items:

- Official Ballot
- Secrecy Sleeve with Voter Instructions
- Official Return Envelope

**INSTRUCTIONS**

To ensure that your vote(s) are counted correctly, it is important that you follow all the voting instructions shown on your ballot.  
After you have marked all your voting choices and finished voting:

1. Refold your ballot exactly as you received it.
2. Place your voted ballot in this Secrecy Sleeve.
3. Place this Secrecy Sleeve (with voted ballot) into the Official Return Envelope. Do not place more than one ballot into the Official Return Envelope.
4. Sign and date the **AFFIDAVIT OF VOTER** located on the backside of the Official Return Envelope; refer to the example below.

**Only one voter's ballot is permitted in your Official Return Envelope.** If more than one ballot is placed in your Official Return Envelope, none of the ballots will be counted.

If you are a first time voter who registered to vote in the State of Colorado by mail, you must enclose a photocopy of your identification in the Official Return Envelope. Failure to provide ID will result in your ballot being treated as a provisional ballot. Do not place your ID photocopy in the Secrecy Sleeve with your voted ballot. See **AM I REQUIRED TO PROVIDE ID?** section on the opposite side for more information.

All ballots, both Polling Place and Mail/Mail-In, are counted in the same manner. All valid ballots cast by mail are counted in every election in Colorado, regardless of the outcome or closeness of any race.

To verify that your ballot was received by the Elections Office, please call 970-874-2153 or 970-874-5903.

**AFFIDAVIT OF VOTER**

I state under penalty of perjury that I am an eligible elector; that my signature and name are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot, and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992."

**X** *George Washington*  
Voter's Signature – (Signature Required)

TODAY'S DATE

*July 4, 1776*

\* Witness  
In case of applicant's disability or inability to sign personally, his/her mark shall be witnessed by another.

**DEADLINE FOR RETURNING VOTED BALLOTS**

Ballots must be received by the Delta County Clerk & Recorder's Office by 7:00 p.m. on Election Day in order for your vote(s) to be counted. Ballots received after 7:00 p.m. on Election Day will not be counted. Postmarks do not count as received.

**MAIL BALLOT PLAN**  
**COLORADO SECRETARY OF STATE**  
**1700 BROADWAY, SUITE 270**  
**DENVER, COLORADO 80290**  
**PHONE: 303-894-2200**  
**FAX: 303-869-4861**

Thank you for accessing the mail ballot plan online form. Please save this form down to your computer so that it may be submitted to our office upon completion. Forms should be submitted via email ([rose.sanchez@sos.state.co.us](mailto:rose.sanchez@sos.state.co.us)), regular mail, or fax, ATTN: Rose Sanchez.

Please feel free to contact the Secretary of State's office with any questions you may have.